

961 INCIDENT, ACCIDENT, AND DEATH REPORTING

REVISION DATE: (TBD)

EFFECTIVE DATE: May 11, 2022

REFERENCES: A.R.S. §8-201(2), §14-1501, §36.551.01, §46-451(A)(1),
§46-451(A)(5), §41-3801, §41-3803, §41-3804, §8-201, §46-451(A)(7),
§46-451(A)(10) A.A.C. R9-10-101, R9-21-105. AHCCCS Medical AMPM
Policies 960, 962, 1020, AdSS Medical Policy 960, 1230-A, AdSS Operations
Manual Policy 417.

PURPOSE

This policy applies to the Division of Developmental Disabilities' (Division)
Administrative Services Subcontractors (AdSS). The purpose of the policy is
to establish the Incident, Accident and Death reporting
requirements for the Division of Developmental Disabilities' (Division)
Administrative Services Subcontractors (AdSS) the reporting, reviewing, and
monitoring of Incident, Accident, and Deaths (IAD) in a consistent manner
across the delivery system.

Scope

This policy applies to the AdSS and their responsibilities related to any
reported incident, accident, and death from any source.

DEFINITIONS

1. "Abuse" means the infliction of, or allowing another individual to inflict, or cause, physical pain or injury, impairment of bodily function, disfigurement or serious emotional damage which may be evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior. Such Abuse~~abuse~~ may be caused by acts or omissions of an individual having responsibility for the care, custody or control of a client receiving behavioral health services or community services. Abuse shall also include sexual misconduct, assault, molestation, incest, or prostitution of, or with, a client under the care of personnel of a mental health agency. A.A.C. R9-21-101(B).

2. "AHCCCS" means Arizona Health Care Cost Containment System.

~~Abuse (Of a Child) — As specified in A.R.S. §8-201(2), abuse of a child is defined as follows:~~

~~A. The infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage, as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which~~

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55 ~~emotional damage is diagnosed by a medical doctor or psychologist~~
56 ~~and is caused by the acts of omissions of an individual who has the~~
57 ~~care, custody and control of a child. Abuse includes:¶~~

58 ~~1. Inflicting or allowing sexual abuse, sexual conduct with a minor,~~
59 ~~sexual assault, molestation of a child, commercial sexual~~
60 ~~exploitation of a minor, sexual exploitation of a minor, incest, or~~
61 ~~child sex trafficking as those acts are described in the Arizona~~
62 ~~Revised Statutes, Title 13, Chapter 14.¶~~

63
64 ~~2. Physical injury that results from permitting a child to enter or~~
65 ~~remain in any structure or vehicle in which volatile, toxic, or~~
66 ~~flammable chemicals are found, or equipment is possessed by~~
67 ~~any person for the purpose of manufacturing a dangerous drug~~
68 ~~as defined in section 13-3401.¶~~

69 ~~3. Unreasonable confinement of a child. ¶~~
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71 ~~Abuse (Of a Vulnerable Adult) As specified in A.R.S. §46-451(A)(1), (i)~~
72 ~~intentional infliction of physical harm, (ii) injury caused by negligent acts or~~
73 ~~omissions, (iii) unreasonable confinement, or (iv) sexual abuse or sexual~~
74 ~~assault.¶~~
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~~Community Complaint – A complaint from the community that puts a member or the community at risk of harm.~~

3. “Community Complaint” means a complaint from the community that puts a Member or the community at risk of harm.

4. “Death No Provider Present” means death of a Member living independently or with family and no Provider is being paid for service provision at the time of death.

5. “Expected Death” means natural death, and may include deaths from long-standing, progressive medical conditions or age-related conditions.

6. “High Profile Case” means a case that attracts or is likely to attract attention from the public or media.

~~Death – “Expected” (natural), “unexpected” (unnatural), or “no provider present”~~

~~Expected Deaths: May include deaths from long standing, progressive medical conditions, or age related conditions, e.g., end stage cancers, end stage kidney or liver disease, end stage HIV/AIDS, end stage Alzheimer’s/Parkinson’s disease, severe congenital malformations.~~

~~Unexpected Deaths: Includes motor vehicle accidents, suicides~~
~~accidental drug overdoses, homicides, acute myocardial infarction or~~
~~strokes, trauma/Abuseabuse, sudden deaths from undiagnosed~~
~~conditions, or generic medical conditions (e.g., seizures, pneumonia,~~
~~falls) that progress to rapid deterioration.~~

~~No Provider Present: Refers to deaths of members living independently~~
~~or with family and no provider is being paid for service provision at the~~
~~time of death. The "expected" or "unexpected" categories must be~~
~~used if a paid provider is present at the time of death.~~

~~Exploitation (Of a Vulnerable Adult) As specified in A.R.S. §46-451(A)(5),~~
~~the illegal or improper use of a vulnerable adult or his/her resources for~~
~~another's profit or advantage.~~

7. "Human Rights Violation" means a violation of a Member's rights,
benefits, and privileges guaranteed in the constitution and laws of the
United States and the State of Arizona. Human Rights are defined in
A.R.S. §36.551.01 as a violation of a Member's dignity or personal
choice, violations of privacy, the right to open mail, send and receive
phone calls, access to one's own money, choosing what to eat, etc.

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- 121 8. "Incident, Accident, Death" means an unexpected occurrence that
- 122 harms or has the potential to harm a Member and is:
- 123 a. On the premises of a health care institution, or
- 124
- 125 b. Not on the premises of a health care institution and directly
- 126 receiving physical health services or behavioral health services
- 127 from a personnel member who is providing the physical health
- 128 services or behavioral health services on behalf of the health
- 129 care institution as specified in A.A.C. R9-10-101.
- 130 9. "Independent Oversight Committee" means a committee established
- 131 by state statute to provide independent oversight and to ensure the
- 132 rights of certain individuals with developmental disabilities and persons
- 133 who receive behavioral health services are protected as defined in
- 134 A.R.S. §§41-3801, 41-3803, 41-3804, and A.A.C. R9-21- 105.
- 135
- 136 10. "Medication Error" means that one or more of the following has
- 137 occurred:
- 138 a. ~~Medication Member~~ given to the wrong person,
- 139
- 140 b. Medication given at the wrong time or not given at all,
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- 142 c. ~~medication or wrong~~ Wrong medication dosage administered,

d. ~~Wrong method of medication administration, or Medication is given via the wrong route or to the wrong person.~~

e. ~~Inappropriate wastage of a Class II substance.~~

11. "Member" means the same as "Client" as defined in A.R.S. § 36-551.

~~Member An individual receiving developmental disabilities services administered by the Division. ¶~~

~~Neglect (Of a Child) As specified in A.R.S. §8-201, the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter, or medical care.~~

~~Neglect (Of a Vulnerable Adult) As specified in A.R.S. §46-451(A)(7), a pattern of conduct without the person's informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health.~~

12. "Physical Abuse" means intentional infliction of pain or injury to a Member.

13. "Programmatic Abuse" means aversive stimuli techniques not approved as part of a Member's plan. This can include isolation,

- restraints, or not following an approved plan or treatment strategy.
14. "Provider" means, ~~for~~ ~~For the purposes of this Policy, any individual~~ or entity that is engaged in the delivery of services to Division Members, or ordering or referring for those services, and is legally authorized to do so by the State in which it delivers the services, as specified in 42 CFR 457.10 and 42 CFR 438.2.
- ~~AHCCCS or an AHCCCS Contractor.~~
15. "Sentinel Event" means an unexpected incident involving death, serious physical or psychological injury, or risk thereof.
16. "Serious Injury" means ~~any~~ ~~Any type of injury requiring medical care or treatment beyond first aid, such as assessments including, but not limited to: assessment or /treatment in an emergency room, treatment center, physician's office, urgent care or admission to a hospital.~~
17. "Sexual Abuse" means any inappropriate interactions of a sexual nature toward or solicited from a Member with developmental disabilities.
18. "Unexpected Death" means ~~a sudden, unexpected death~~ ~~Death and may include from~~ motor vehicle accidents, suicides, accidental drug overdoses, homicides, acute myocardial infarction or strokes, trauma,

sudden ~~death~~**Death**s from undiagnosed conditions, or generic medical conditions that progress to rapid deterioration.

19. “Verbal/Emotional Abuse” means remarks or actions directed at a Member that are ridiculing, demeaning, threatening, derogatory, or profane.

~~Vulnerable Adult~~ As specified in A.R.S. §46-451(A)(10), an individual who is eighteen years of age or older and who is unable to protect himself/herself from ~~Abuse~~**abuse**, neglect, or exploitation by others because of a physical or mental impairment. ~~Vulnerable adult includes an incapacitated person as defined in A.R.S. §14-1501.~~

POLICY

~~The AdSS shall develop and implement policies and procedures that require Provider~~**providers** to identify and report ~~Incident, Accident and Death (IAD)s~~ to the appropriate authoritative agencies, in accordance with the requirements specified in this policy. ~~The AdSS may determine if Providers are required to enter reports directly into the AHCCCS Quality Management (QM) Portal or submit reports to the AdSS who will then enter the report into the AHCCCS QM Portal on behalf of the Provider.~~

A. MINIMUM REQUIREMENTS FOR IAD REPORTING

1. The AdSS shall develop a process to ensure High Profile, media, and Sentinel events affecting members can be reported to the AdSS by Providers, Members, or Member's family, at any time, 24 hours a day, seven days a week, and that these communications are provided to the AdSS Quality Management Department.
2. The AdSS shall ensure that reportable IADs and Internal Referrals ~~(IRFs)~~ are submitted within ~~two business days~~ ~~48~~ ~~hours~~ of the occurrence or ~~within 48 hours of when the AdSS or provider receive notification~~ to the AdSS of the occurrence via the AHCCCS Quality Management (QM) Portal.
3. The AdSS shall ensure Sentinel IADs are ~~shall be~~ submitted via ~~into~~ the AHCCCS QM Portal within one business day of the occurrence or becoming aware of the occurrence.
4. The AdSS shall notify the Division and AHCCCS of all sentinel events via email at dddcareconcerns@azdes.gov and

CQM@ahcccs.gov immediately, but within 24 hours of
notification of the occurrence.

5. The AdSS shall report ~~An IADs are is reportable that include if~~
~~they it includes~~ any of the following:

a. Allegations of abuse, neglect, or exploitation of a Member.

b. Allegations of Human Rights Violations.

c. Substance use disorders ~~or /~~opioid-related concerns.

d. Death of a Member.

e. Delays or difficulties in accessing care ~~(e.g., outside of the~~

timeline specified in the ~~Division's AdSS Operations Manual~~
~~Policy 417)~~.

f. Healthcare acquired conditions and other provider
preventable conditions ~~as specified in (see the Division's~~
~~AdSS Medical Manual Policy 960. and Policy 1020)~~

g. Serious Injury.

- h. Injury resulting from the use of a personal, physical, chemical, or mechanical restraint or seclusion as specified in ~~(see AMPM Division Medical Policy 962.)~~
- i. Medication Error occurring at a licensed residential Provider site including:
- i. Division Group Home,
 - ii. Division Adult Developmental Home,
 - iii. Division Child Developmental Home,
 - iv. Assisted Living Facility,
 - v. Skilled Nursing Facility,
 - vi. Behavioral Health Residential Facility,
 - vii. Adult Behavioral Health Therapeutic Home,
 - viii. Therapeutic Foster Care Home, or
 - ix. Any other alternative Home and Community-Based Services (HCBS) setting as specified in Division Medical Policy 1230-A.
- ~~Behavioral Health Residential Facility, (BHRF), a Division of Developmental Disabilities (DDD) Group Home, DDD Adult or Developmental Home, DDD Child Developmental~~

~~home, Assisted Living Facility, (ALF), Skilled Nursing Facility (SNF), Behavioral Health Residential Facility, Adult Behavioral Health Therapeutic Home, (ABHTH), or Therapeutic Foster Care Home, (TFC), and any other alternative Home and Community Based Service (HCBS) setting as specified in the Division's Medical Manual Policy 1230 A. A medication error may include any one or more of the following:~~

- ~~i. Inappropriate wastage of a Class II substance~~
- ~~ii. Administration of medication to the wrong member~~
- ~~iii. Wrong method of medication administration~~
- ~~iv. Wrong dosage administered~~

~~Missed medication~~

- ~~j. Member vulnerable adult or child missing person from a licensed Behavioral Health Inpatient Facility, Behavioral Health Residential Facility, Division Group Home, Assisted Living Facility, Skilled Nursing Facility, Adult Behavioral~~

Health Therapeutic Home, or Therapeutic Foster Care.

~~Behavioral Health Inpatient Facility (BHIF), BHRF, DDD~~

~~Group Home, ALF, SNF, ABHTH, or TFC~~

k. Member suicide attempt.

l. Suspected or alleged criminal activity involving or affecting
a Member.

m. Community Complaint about a resident or the setting.

n. Provider or Member fraud.

o. Allegations of Physical, Sexual, Programmatic,
Verbal/Emotional Abuse.

~~Physical Abuse means intentional infliction of pain or
injury to a Member.~~

~~Sexual Abuse means any inappropriate interactions of a
sexual nature toward or solicited from a Member
with developmental disabilities.~~

~~Programmatic Abuse means aversive stimuli techniques
not approved as part of a person's plan. This can include~~

~~isolation, restraints, or not following an approved plan
and/or treatment strategy.¶~~

~~Verbal/Emotional Abuse means remarks, or actions
directed at a Membermember enrolled in the Division that
are ridiculing, demeaning, threatening, derogatory, or
profane.~~

p. Allegations of inappropriate sexual behavior.

q. Theft or loss of Member's moniesey or property less than
\$1,000.

r. Property damage estimated to be less than \$10,000.

s. Community disturbances in which the Member or the
public may have been placed at risk.

~~Serious work related illnesses or injuries of Division
employees~~

~~Threats to Division employees or state property and
accidents on state property involving
non-members/non-employees~~

- t. Environmental circumstances which pose a threat to the health, safety, or welfare of Members such as loss of air conditioning, loss of water, or loss of electricity.
- u. Unplanned hospitalization or emergency room visit in response to an illness, injury, Medication Error.
- v. Unusual weather conditions or other disasters resulting in an emergency change of operations impacting the health and safety of a Member.
- w. ~~Illegal substance~~ ~~Provider drug use by Provider or Member.~~
- x. Any other incident that causes harm or has the potential to cause harm to a Member.
6. The AdSS shall report IADs as a Sentinel Event if they ~~IADs~~ include any of the following:
- a. Member death or Serious Injury associated with missing Member. ~~member vulnerable adult or child~~

- b. Member suicide, attempted suicide, or self-harm that results in Serious Injury, while being cared for in a healthcare setting.
- c. A 9-1-1 call due to a suicide attempt by a Member.
- d. Member death or Serious Injury associated with a Medication Error.
- e. Member death or Serious Injury associated with a fall while being cared for in a healthcare setting.
- f. Any stage 3, stage 4, and any unstageable pressure ulcers acquired after admission or presentation to a healthcare setting or any other setting where the AdSS has oversight responsibility.
- g. Member death or Serious Injury associated with the use of seclusion or restraint while being cared for in a healthcare setting.
- h. Sexual Abuse or ~~h~~assault of a Member during the provision of services.

- i. Death or Serious Injury of a Member resulting from a physical assault that occurs during the provision or services.
- j. Homicide committed by or allegedly committed by a Member.
- k. A circumstance that poses a serious and immediate threat to the physical or emotional well-being of a Member or staff member.
- l. Severe physical injury that does any of the following:
 - i. Creates a reasonable risk of death,
 - ii. Causes serious or permanent disfigurement, or
 - iii. Causes serious impairment of a Member's or worker's health.
- m. Reporting to law enforcement officials because a Member is missing and presumed to be in imminent danger.
- n. Reporting to law enforcement officials due to possession or use of illegal substances by Members or Providers.

o. An incident or complaint from the community that could be or is reported by the media.

p. Property damage estimated in excess of \$10,000.

q. Theft or loss of a ~~Membermember's monies money~~ or property ~~in excess of of more than~~ \$1,000.

~~AdSS shall develop and implement policies and procedures that include the following requirements:~~

r. ~~The AdSS shall submit and require its network of providers to submit sentinel IADs into the AHCCCS QM Portal within 24 hours of the occurrence. The AdSS shall notify the Division and AHCCCS of all sentinel events via email at CQM@ahcccs.gov as soon as possible, and no longer than 24 hours after notification of the occurrence.~~

7. The AdSS shall develop a process to conduct an initial review of all IADs within ~~one business day~~ ~~24 hours~~ of Provider~~provider~~ submission. An initial review shall include the following:

a. Identification of any immediate health and safety concerns and ensure ~~the~~~~that~~ safety of the individuals involved in the

incident, which may include that immediate care and recovery needs are identified and provided.

b. Determination if the IAD report needs to be returned to the ~~Provider~~provider for additional information, to correct inaccurate information, or yo provide missing information. ~~(e.g., report is assigned to the wrong Contractor, enrollment category is not selected, incident type is not correct or not selected, information is missing or incorrect through the report).~~

c. Determination if the IAD report requires further investigation through a quality of care investigation as specified in ~~(see the Division's AdSS Medical Manual Policy 960.)~~.

d. Determination if the IAD needs to be linked to a corresponding Seclusion and Restraint Individual Reporting Form.

e. Determination if the IAD report does not need further documentation or review, and closure of the report.

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- 451 8. The AdSS ~~shallis required to~~ follow up on all IADs returned to the
- 452 ~~Providerprovider~~ within ~~one business day~~24 hours to ensure the
- 453 ~~Providerprovider~~ is aware that the report has been returned and
- 454 ~~isare~~ addressing the required corrections.
- 455
- 456 9. The AdSS ~~shallis required to~~ take ~~immediate~~prompt actions to
- 457 ensure the ~~immediate~~safety of ~~Membermember~~s where
- 458 allegations of harm, ~~or potential harm, or immediate jeopardy~~
- 459 exists regardless of status assigned to the IAD, including those
- 460 returned to a ~~Providerprovider~~.
- 461
- 462 10. The AdSS ~~shallis required to report~~ensure that all suspected
- 463 cases of ~~A~~abuse, ~~N~~eglect, ~~orand E~~xploitation of a
- 464 ~~Membermember~~ ~~is~~shall be reported to ~~theall~~ appropriate
- 465 reporting authorities, ~~by authorities, by~~ if not reported directly by
- 466 the ~~Providerprovider~~, as specified in Division Operations Policy
- 467 ~~6002-G. directly or by the AdSS if not completed by the provider,~~
- 468 ~~including but not limited to: Adult Protective Services, (APS),~~
- 469 ~~Department of Child Safety, (DCS), and the Arizona Department~~
- 470 ~~of Health Services. (ADHS).~~

11. The AdSS ~~shallis required to~~ track and trend all IADs to identify and address systemic concerns or issues within their ~~Provider~~ ~~provider~~ network.

12. The AdSS ~~shall~~ ~~must~~ submit reports to the Division describing ~~theirs~~ track and trend activities as well as any systemic concerns or issues identified and how they were addressed.

13. The AdSS shall provide IAD reports to the appropriate Independent Oversight Committees ~~(IOC)~~ as specified in ~~the~~ ~~Division's AdSS Medical Manual Policy 960.~~ ~~and A.R.S 41-3801 et~~ ~~seq.~~

Signature of Chief Medical Officer: